

SB 6826 - H AMD TO FIN COMM AMD (H5488.1) **1122**
By Representative Sullivan, B.

1 On page 2 of the amendment, after line 37, insert the
2 following:

3 **"Sec. 2.** RCW 82.38.080 and 1998 c 176 s 60 are each amended to
4 read as follows:

5 (1) There is exempted from the tax imposed by this chapter, the
6 use of fuel for:

7 (a) Street and highway construction and maintenance purposes in
8 motor vehicles owned and operated by the state of Washington, or
9 any county or municipality;

10 (b) Publicly owned fire fighting equipment;

11 (c) Special mobile equipment as defined in RCW 46.04.552;

12 (d) Power pumping units or other power take-off equipment of
13 any motor vehicle which is accurately measured by metering devices
14 that have been specifically approved by the department or which is
15 established by any of the following formulae:

16 (i) Pumping propane, or fuel or heating oils or milk picked up
17 from a farm or dairy farm storage tank by a power take-off unit on
18 a delivery truck, at a rate determined by the department:
19 PROVIDED, That claimant when presenting his or her claim to the
20 department in accordance with this chapter, shall provide to the
21 claim, invoices of propane, or fuel or heating oil delivered, or
22 such other appropriate information as may be required by the
23 department to substantiate his or her claim;

24 (ii) Operating a power take-off unit on a cement mixer truck or
25 a load compactor on a garbage truck at the rate of twenty-five
26 percent of the total gallons of fuel used in such a truck; or

27 (iii) The department is authorized to establish by rule
28 additional formulae for determining fuel usage when operating other
29 types of equipment by means of power take-off units when direct
30 measurement of the fuel used is not feasible. The department is

1 also authorized to adopt rules regarding the usage of on board
2 computers for the production of records required by this chapter;

3 (e) Motor vehicles owned and operated by the United States
4 government;

5 (f) Heating purposes;

6 (g) Moving a motor vehicle on a public highway between two
7 pieces of private property when said moving is incidental to the
8 primary use of the motor vehicle;

9 (h) Transportation services for persons with special
10 transportation needs by a private, nonprofit transportation
11 provider regulated under chapter 81.66 RCW;

12 (i) Vehicle refrigeration units, mixing units, or other
13 equipment powered by separate motors from separate fuel tanks; and

14 (j) The operation of a motor vehicle as a part of or incidental
15 to logging operations upon a highway under federal jurisdiction
16 within the boundaries of a federal area if the federal government
17 requires a fee for the privilege of operating the motor vehicle
18 upon the highway, the proceeds of which are reserved for
19 constructing or maintaining roads in the federal area, or requires
20 maintenance or construction work to be performed on the highway for
21 the privilege of operating the motor vehicle on the highway.

22 (2) There is exempted from the tax imposed by this chapter the
23 removal or entry of special fuel under the following circumstances
24 and conditions:

25 (a) If it is the removal from a terminal or refinery of, or the
26 entry or sale of, a special fuel if all of the following apply:

27 (i) The person otherwise liable for the tax is a licensee other
28 than a dyed special fuel user or international fuel tax agreement
29 licensee;

30 (ii) For a removal from a terminal, the terminal is a licensed
31 terminal; and

32 (iii) The special fuel satisfies the dyeing and marking
33 requirements of this chapter;

34 (b) If it is an entry or removal from a terminal or refinery of
35 taxable special fuel transferred to a refinery or terminal and the
36 persons involved, including the terminal operator, are licensed;
37 and

1 (c)(i) If it is a special fuel that, under contract of sale, is
2 shipped to a point outside this state by a supplier by means of any
3 of the following:

4 (A) Facilities operated by the supplier;

5 (B) Delivery by the supplier to a carrier, customs broker, or
6 forwarding agent, whether hired by the purchaser or not, for
7 shipment to the out-of-state point;

8 (C) Delivery by the supplier to a vessel clearing from port of
9 this state for a port outside this state and actually exported from
10 this state in the vessel.

11 (ii) For purposes of this subsection (2)(c):

12 (A) "Carrier" means a person or firm engaged in the business of
13 transporting for compensation property owned by other persons, and
14 includes both common and contract carriers; and

15 (B) "Forwarding agent" means a person or firm engaged in the
16 business of preparing property for shipment or arranging for its
17 shipment.

18 (3) Notwithstanding any provision of law to the contrary, every
19 urban passenger transportation system, and carriers as defined by
20 chapters 81.68 and 81.70 RCW, shall be exempt from the provisions
21 of this chapter requiring the payment of special fuel taxes. For
22 the purposes of this section "urban passenger transportation
23 system" means every transportation system, publicly or privately
24 owned, or owned by or operated on behalf of a regional transit
25 authority authorized to provide public transportation services
26 extending across the corporate limits between two or more counties,
27 having as ((its principal)) a source of revenue the income from
28 transporting persons for compensation by means of motor vehicles
29 ((and/or)) or trackless trolleys, each having a seating capacity
30 for over fifteen persons over prescribed routes in such a manner
31 that the routes of such motor vehicles ((and/or)) or trackless
32 trolleys, either alone or in conjunction with routes of other such
33 motor vehicles ((and/or)) or trackless trolleys subject to routing
34 by the same transportation system, shall not extend for a distance
35 exceeding twenty-five road miles beyond the corporate limits of the
36 county in which the original starting points of such motor vehicles
37 are located((~~PROVIDED, That~~)), except for regional transit
38 authority system routes, which may extend further than twenty- five
39 road miles beyond the corporate limits of the county in which the

1 original starting points of such motor vehicles are located.
2 However, no refunds or credits shall be granted on special fuel
3 used by any urban transportation vehicle, or vehicle operated
4 pursuant to chapters 81.68 and 81.70 RCW, on any trip where any
5 portion of said trip is more than twenty-five road miles beyond the
6 corporate limits of the county in which said trip originated ,
7 unless such trip is provided by or on behalf of a regional transit
8 authority."

EFFECT: Exempts a regional transit authority from the special fuel tax even if its bus routes exceed 25 miles beyond the county limits where the buses started. Allows refunds or credits on special fuel used in bus trips extending more than 25 miles beyond the county limits where the trips originated, if the trips are provided by or on behalf of a regional transit authority. Replaces the requirement that an urban transportation system have bus fares as its "principal source of revenue" with the requirement that such a system have bus fares as "a source of revenue".